

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2007

CORAM

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

Writ Petition Nos.8992, 10919, 10920 and 10921 of 2006
and W.P.M.P.Nos.9957 of 2007,
W.P.M.P.Nos.12374 to 12376 of 2006

Vada Chennai Anal Min Nilayam
Amaya Nilam Koduthur Sangam
represented by its General Secretary
A.Govindasamy
No.31, V.O.C.Nagar
Ennore, Chennai 57. .. Petitioner in all the W.Ps

Versus

1.State of Tamil Nadu
represented by its Secretary to
Government, Revenue Department
Fort St.George,
Chennai 9.

2.The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai 2.

3.The District Collector
Tiruvallur District.

4.The Special Tahsildar
(Land Acquisition)
North Madras Thermal Power Project
Ponneri Taluk, Ponneri.

5. The Chief Engineer
North Madras Thermal Power Project
Ennore, Chennai.

6. The Tahsildar
Ponneri, Tiruvallur District .. Respondents in all WPs

Writ petitions filed under Article 226 of Constitution of India praying for issue of a Writ of Mandamus, directing the respondents to comply with the permanent proceedings i.e., Permanent B.P.(F.B) No.3 (Administrative Branch) dated 25.01.1990 and to give employment to one male member to each of 129 families of Ennore Village, 12 families of Chappakkam Village, 39 families of Ennorekuppam, 25 families of Puzhuthivakkam Village, Tiruvallur District from whom the lands

were acquired for North Madras Thermal Power Project in the North Madras Thermal Power Project and in Tamil Nadu Electricity Board.

For Petitioner : Mr.P.Raja

For Respondents : Mr.M.R.Jothimanian
Government Advocate (Writs)
for R1, RR 3,4 and 6.
Ms.Rajeswari for
Mr.M.Vaithiyanathan (TNEB)
for R2 and R5.

ORDER

All these writ petitions have been filed by the Association called 'Vadachennai Anumin Nialayam Amaiya Nilam Koduthore Sangam' represented by its General Secretary, which is stated to be a society registered under Societies Registration Act, espousing the cause of persons whose lands have been acquired by the respondent for North Chennai Thermal Power Project.

2. The Government of Tamil Nadu has acquired lands in Ennore, Chappakam, Puzhuthivakkam, Athipattu, Vallur, Uayalur and Neithavoyal Village all situated in Thiruvallur District, under the Land Acquisition Act for the establishment of North Chennai Thermal Power Project. By way of measure of a rehabilitation for the affected families, the Government passed G.O.Ms.No.656 Labour and Employment Department dated 26.09.1978, formulating a policy providing employment to the displaced families. It was based on the said Government Order, the Tamil Nadu Electricity Board has passed a Board proceeding in B.P.Per (FB)No.3, Administrative Branch dated 25.01.1990, giving certain guidelines for the purpose of identifying the displaced families for whom the rehabilitation measures are to be provided. The said proceeding has given various guidelines which runs as follows:

"(iii) Only one person in the family identified by the Collector, Chengai-Anna District as eligible for employment assistance be appointed as Helper (Trainee).

(iv) Only persons physically fit and suitable for the job be considered for such appointment.

(v) In cases where the family does not have a male member or a member not physically fit either due to age or physical infirmities, the family may nominate his/her relative for appointment and such nomination is a one time affair and shall not be revoked or altered when once the said nominee is appointed.

(vi) The trainee so appointed be absorbed as regular Helper on satisfactory completion of three years training."

3. It is based on the said guidelines propounded by the Tamil Nadu Electricity Board , the displaced persons whose properties have been acquired for the Thermal Power Project, are considered for suitable employment. The writ petitions filed by the Association are relating to four villages of the displaced persons who are stated to be eligible for employment viz., Ennore, Chappakkam, Ennorekuppam and Puzhuthivakkam. It is the case of the petitioner Association that in respect of Ennore Village 129 people who owned the properties were affected and likewise in the Ennorekuppam Village, 39 families are displaced by the acquisition process. In Chappakkam Village, 12 families are affected and in Puzhuthivakkam, the total number of affected families are 15 in number.

4. The respondent Electricity Board has filed the counter in all these cases. It is the case of the respondent/Electricity Board that pursuant to the acquisition and based on G.O.Ms.No.656 dated 26.09.1978, the Board has propounded proceeding stipulating guidelines for the purpose of identifying persons to confer the benefit on rehabilitation basis. It is the case of the Electricity Board that on individual assessment, majority of the families have been conferred with the benefits as per the Board proceedings. In fact it is the case of the Electricity Board that the persons who are left out have been considered as and when such instances are brought to the notices of the Electricity Board. However, in respect of Puzhuthivakkam village, the property acquired were belonging to a society and in the land acquisition proceedings, compensation have been paid to the society and persons who are now claiming as belonging to 15 families as seen from W.P.No.10921 of 2006 were all employees in the society and they were not the individual owners of the lands and as per the Government Order, as well as the Board proceedings they are not eligible for the benefit of rehabilitation. Therefore, in respect of the said writ petition, it is the case of the Electricity Board that no one of the family members are eligible for the benefit as per the Government Order and the compensation has been paid to the society namely, "M/s.Christ Nagar Society."

5. I have heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

6. Eventhough in respect of one of these writ petitions, the respondent/Electricity Board raised an objection about the maintainability of the writ petitions, since the acquisition has been taken from the lands of individual owners and it is only the individual families who are eligible for the rehabilitation measures and their cause which cannot be espoused by the association as a common cause, it cannot be denied that the lands belonging to the individual owners have been acquired who are eligible for the benefits of the Government Order as well as rehabilitation measures. Except the representation made by the

association, namely the petitioner's society, it appears that no individual land owners made any representation.

7. The learned Government Advocate would fairly submit that infact the District Collector had conducted enquiry and identified certain number of persons who are eligible to receive the benefits as per the Scheme.

8. Considering the fact that the individual owners whose lands have been acquired for the said project were eligible for the benefits, I am of the considered view that the respondent/Electricity Board should be directed to conduct a detailed enquiry and identify persons who were eligible for the benefits as per G.O.Ms.No.656, Labour and Employment dated 29.06.1978 and also the consequential Board proceeding in B.P.Per(FB)No.3, Administrative Branch dated 25.01.1990, and confer the benefits to the persons who are eligible.

9. In view of the same, the writ petitions are disposed of, with a direction to the petitioner association, to file individual applications in respect of the individuals who are eligible for the benefits, to the District Collector, as per the Government Order as well as the Tamil Nadu Electricity Board, within a period of two weeks form the date of receipt of a copy of the order, and the Electricity Board in consultation with the District Collector/third respondent shall identify the persons eligible for the benefits by conducting proper enquiry and give fair opportunity to the members of the petitioner's association and pass appropriate orders, within a period of three months thereafter.

Ksr

Sd/

Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
Revenue Department
Fort St.George,
Chennai 9.

2.The Chairman
Tamil Nadu Electricity Board
Anna Salai, Chennai 2.

3.The District Collector
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Ponneri, Tiruvallur District.

+ 4 ccs to Mr. P. Raja, Advocate SR No.42453

+ 1 ccs to Government Pleader SR No.42090, 42085, 42087

+ 1 cc to Mr. Vaidyanathan, Advocate SR No. 42031

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MJ(CO)
SR/27.7.2007

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